

**"Method of Extinguishing Fires"**  
**Application No. 10/630,341**  
**Client Name: Dillman Equipment**  
**Matter No.: 2098 P 009**

**PC Docs. # /225891**

Latest revision June 14, 2005

### **Notes in Response to 04.25.2005 Office Action**

#### **Poulsen**

● Poulsen does not teach a counterbalancing mechanism. Poulsen only notes that one may "brace [the system] against the force of the jet engine or other wind-producing mechanism ... [such as with]... outriggers, such as those commonly used with backhoes." (Poulsen, Col. 7, lines 55-60).

- Poulsen does not teach directing the exhaust at, into, or in front of a fire.
- To the contrary, Poulsen expressly teaches that the exhaust should be directed above the fire, and should not be aimed at the fire. (See Poulsen, Col. 2, Lines 30-34).
- Every independent claim of Poulsen includes the limitation "so that said gas stream is not aimed at the flames of said fire." (See Poulsen, Claims 1, 5, and 9).
- Poulsen's purpose of using a high-powered air stream is to launch material over the fire and great distances to get to the middle of a fire. (See Poulsen, Col. 2, Lines 20-30).
- In fact, Poulsen says that pointing exhaust at the fire will fan the flames, rather than subduing them. (See Poulsen, Col. 2, Lines 30-34).

● It is totally improper for the Examiner to extrapolate the Poulsen patent as done here. It would not have been obvious to one "that the exhaust can be directed directly at or in front of the front wall of the flames and not above the fires" if the reference specifically instructions and directs to the contrary.

#### **Cottrell**

- Cottrell merely shows certain materials may be blended with very small particle sized carbonic powder to increase the distance thrown of carbonic acid to extinguish a Class B fire.
- The material specifically has a larger particle size than the carbonic powder.
- Limestone and sand are identified, along with many other non-hygroscopic powders with a high bulk density, as usable.
- There is no discussion whatsoever of using any of these non-hygroscopic powders alone.
- Indeed, patent describes this second ingredient as "Powder B may be itself an active fire-extinguishing powder or it may be an inert powder which merely acts as a diluent of a suitable particle size," (Cottrell, Col. 1, Lines 61-63).
- This patent says nothing about using limestone or sand alone.

**McBride**

●**McBride** does not teach the use of any chemicals or water used to fight fires, let alone a fire retardant used for the purpose. The only mention of introducing anything into the air stream of McBride is during the discussion of fruits in orchards: "Also, dispersion of chemicals over wide agricultural areas, instead of dispersion by aircraft, is rendered less costly and also more accurate to covering of desired areas. (Col. 4, lines 29-31).

●**McBride** further does not teach the use of a jet turbine to fight fires.

●Therefore, even assuming that **McBride** teaches directing an airstream into a fire, it cannot itself disclose the element of directing the exhaust of a turbine into or in front of a fire.

**Relyea**

●Relyea merely shows a nozzle (24) attached to a rotating and extending boom (12,20). A specific nozzle (70,71) can be used to receive an agent from a supply tank (17).